

ADDITIONAL FEE:

Please charge any insufficiency of fee, or credit any excess, to Deposit Account No. 50-0427.

R E M A R K S

The Office Action issued November 29, 2004 has been received and its contents have been carefully considered.

The applicant wishes to thank the Examiner in charge of this application, Ms. Yvonne Renee Abbott, for the courtesy and cooperation which she extended applicant's undersigned counsel during the telephone interview kindly granted on January 28, 2005. During this interview, applicant's counsel and the Examiner discussed a proposed amendment to claim 1 which, applicant believes, will place this independent claim in condition for allowance.

The provisional allowance of claims 14, 15 and 19-30 is noted with appreciation. However, for the reasons given below, applicant respectfully submits that all the remaining claims, namely, claims 1, 4-6, 8-15, 17-30 and 33, are allowable over the prior art of record.

Method claims 31 and 32, which were rejected by the Examiner, have been canceled.

Claim 1, which was previously rejected over the U.S. Patent No. 5,769,030 to Acoff, has been amended in the manner discussed during the telephone interview. This claim, as amended, is specifically directed to the embodiment of applicant's invention shown in Fig. 4. The animal harness in this embodiment retains a weight 44 on the animal's chest between its two front legs. A "web portion" 40 of the harness is provided with a zippered pocket to hold the weight 44 and allow the weight to be removed and exchanged for a weight of a different size.

The web portion 40 is held against the animal's chest by means of three straps: a first strap 48 arranged to encircle the animal's neck; a second strap 47 arranged to surround the back of the animal immediately behind its front legs; and a third strap 46 arranged to surround the back of the animal substantially midway between its front legs and its rear legs.

These three straps comfortably retain the web portion 40, and thus the weight 44, against the chest of the animal. The two rear straps are particularly important for comfort of the animal when the web pocket carries a substantial weight.

Acoff discloses an "animal training and conditioning apparatus" which comprises a slender, weight-bearing strap 22 that extends between a collar 14 (equivalent to applicant's "first strap") and a band 30 surrounding the dog's back just in front of the dog's hind legs. Missing from Acoff is a "pocket for removably holding at least one weight" and a strap which retains the weighted strap 22 against the dog's chest that "surround[s] the back of the animal immediately behind its front legs" (claim 1). Such a "second strap" is absolutely essential for the support of any considerable weight between the dog's front legs.

Fig. 4B of Acoff shows a cross-section of the strap 22, taken along the line 4B-4B in Fig. 2. As may be seen, the strap 22 incorporates small weights 36, surrounded by padding material 44. Whereas the straps shown in Figs. 2, 5 and 6 do show small pockets 46 for holding weights, none are disposed in the dog's chest region between its legs.

Through experimentation, applicant has learned that it is detrimental to an animal, in particular a dog, to apply weight in such a manner that it is carried by the animal's back. Unlike horses, certain animals such as dogs are not capable of carrying extra weight on their back.

Consequently, the use of Acoff's "training and conditioning apparatus" may be more harmful than helpful to a dog.

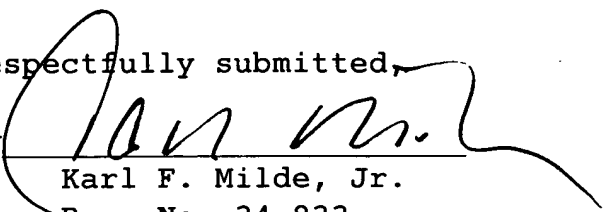
By placing the training weight squarely between the two front legs of the animal so as to apply absolutely no downward force on the animal's back, the animal can "train" without lasting injury.

Since applicant's exercise harness has a weight pocket for removably holding a weight between the two front legs of an animal, and since this weight pocket is held by a neck strap as well as a strap immediately behind the front legs of the animal, applicant's dog harness distinguishes patentably over Acoff.

Since claim 1, the only independent claim in this application, recites these features which distinguish the present invention from Acoff, this application is believed to be in condition for immediate allowance. A formal Notice of Allowance is respectfully solicited.

Respectfully submitted,

By

  
Karl F. Milde, Jr.

Reg. No. 24,822

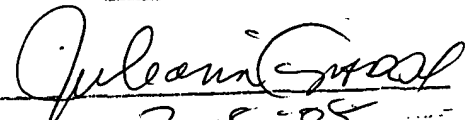
MILDE & HOFFBERG, LLP  
10 Bank Street - Ste. 460  
White Plains, NY 10606  
914-949-3100

13

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231 on 2-8-05

By

Date

  
2-8-05